

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MARYLAND

TAURUS ANTONIO WIGGINS,  
Plaintiff

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:

v.

:

Civil Action No. AMD-05-2338

CITY OF BALTIMORE  
and TIMOTHY J. STACH,  
Defendants

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MEMORANDUM

Pursuant to this court's order of September 6, 2005, plaintiff has supplemented his complaint. Paper No. 5. The complaint alleges that an illegal search and his subsequent arrest took place on February 6, 2002. Paper No. 1. Plaintiff was directed to provide this court with information concerning whether he was subsequently convicted of a criminal offense as a result of the conduct alleged and, if so, whether that conviction has been overturned. Paper No. 3.

In his supplement, plaintiff states that he was tried and convicted on charges of possession and possession with intent to distribute heroin in the Circuit Court for Baltimore City. Paper No. 5 at p. 1. He was sentenced to eight years of imprisonment on October 28, 2002. *Id.* Although a motion to suppress the evidence was filed in plaintiff's criminal trial and the issue was appealed to the Court of Special Appeals, his conviction has not been overturned. *Id.* As this court previously observed, plaintiff's action for damages for the alleged violation of his constitutional rights during the search may not be entertained unless he has first successfully challenged his criminal conviction. *See Heck v. Humphrey*, 512 U. S. 477, 487 (1994). Accordingly, the complaint must be dismissed without prejudice. A separate order follows.

Filed: October 27, 2005

\_\_\_\_\_/s/\_\_\_\_\_  
Andre M. Davis  
United States District Judge